

FOR THE DISTRICT OF DELAWARE

WILLIAM FRANCIS, JR.

Plaintiff,

V.

WARDEN THOMAS CARROLL,  
CORRECTIONAL MEDICAL SERVICES,  
STAN TAYLOR, and JOYCE TALLEY,

## Defendants.

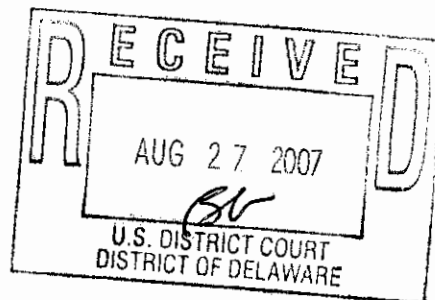
C.A. No. 07-015-JJF

TRIAL BY JURY OF  
TWELVE DEMANDED

**MOTION FOR DEFAULT JUDGEMENT**

Plaintiff William Francis, Jr. moves this Honorable Court to enter a default judgment pursuant to Federal Rules of Civil Procedure 54(c) and 55 (a) and (b)(2) against defendants Thomas Carroll, Stan Taylor and Joyce Talley for \$150,500.00, and states:

1. A default has been entered against defendants Thomas Carroll, Stan Taylor and Joyce Talley for failure to answer or otherwise defend in the above entitled matter pursuant to the time limitations in Federal Rules of Civil Procedure 12(a)(1)(A) and (B).
2. Defendants Thomas Carroll, Stan Taylor and Joyce Talley are not in the military service as shown by the attached affidavit.



Dated: August 22, 2007

By: William Francis, Jr. pro se  
William Francis, Jr., pro se  
Delaware Correctional Center  
SBI #264560  
1181 Paddock Road  
Smyrna, DE 19977

**AFFIDAVIT FOR ENTRY OF DEFAULT**

State of Delaware)

ss: C.A. No. 07-015-JJF

County of New Castle)

William Francis, being duly sworn, deposes and says:

1. I am the pro se plaintiff in the above entitled matter.
2. The defendants Thomas Carroll, Stan Taylor and Joyce Talley were served with copies of the complaint as appears from the proof of service on file.
3. The above-named defendants have not filed or served an answer or taken other action as may be required by law although more than 60 days have passed since the date of service.

I, William Francis, Jr., plaintiff pro se, swear under penalty of perjury that the foregoing is true and correct based upon my knowledge and information, pursuant to 28 USC Section 1746.

BY: William Francis, Jr. pro se  
William Francis, Jr., plaintiff pro se  
Delaware Correctional Center  
SBI #264560  
1181 Paddock Road  
Smyrna, DE 19977

Dated: August 22, 2007

**AFFIDAVIT AS TO MILITARY SERVICE**

State of Delaware)

ss: C.A. No. 07-015-JJF

County of New Castle)

William Francis, being duly sworn, deposes and says:

1. I am the pro se plaintiff in the above entitled matter. I make this affidavit pursuant to the requirements of the Soldiers' and Sailors' Civil Relief Act, 50 USC, Appendix, Section 520.
2. The defendants Thomas Carroll, Stan Taylor and Joyce Talley have worked as employees of the Delaware Department of Corrections (DDOC) since plaintiff was transferred to their custody in January 2004.
3. Based on these facts, the plaintiff is convinced that the above-named defendants are not in the military service of the United States.

I, William Francis, Jr., plaintiff pro se, swear under penalty of perjury that the foregoing is true and correct based upon my knowledge and information, pursuant to 28 USC Section 1746.

BY: William Francis, Jr. pro se  
William Francis, Jr., plaintiff pro se  
Delaware Correctional Center  
SBI #264560  
1181 Paddock Road  
Smyrna, DE 19977

Dated: August 22, 2007

**Certificate of Service**

I, William Francis, Jr. hereby certify that I have served a true and correct copy of the attached MOTION FOR DEFAULT JUDGEMENT and AFFIDAVITS upon the following parties/persons:

To: Megan T. Mantzavinos, Esquire  
Ryan M. Ernst, Esquire  
913 Market Street, #800  
Wilmington, DE 19801

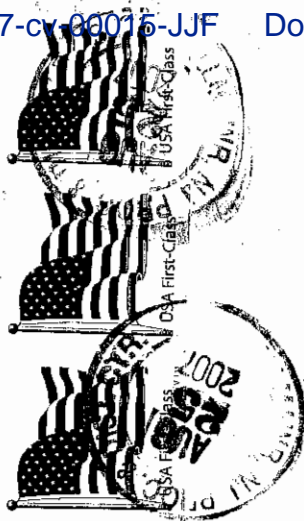
To: Ophelia M. Waters, Deputy Attorney General  
Carvel State Office Building  
820 N. French Street, 6<sup>th</sup> Floor  
Wilmington, DE 19801

BY PLACING IN A SEALED ENVELOPE, and depositing same in the United States mail at the Delaware Correctional Center, Smyrna, DE 19977.

On this 25<sup>th</sup> day of August, 2007

William Francis, Jr. pro se  
William Francis, Jr., plaintiff, pro se  
SBI #264560  
1181 Paddock Road  
Smyrna, DE 19977

IN William Francis, Jr.  
SBI# 264560 UNIT W(D-22)  
DELAWARE CORRECTIONAL CENTER  
1181 PADDOCK ROAD  
SMYRNA, DELAWARE 19977



Office of the Clerk  
U.S. District Court  
844 N. King Street, Lockbox 18  
Wilmington, Delaware  
19801-3570

1980133570 0012

